



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,092	12/19/2001	Lynn Holm-Blagg	20375-022010	5079

20350 7590 11/09/2009

TOWNSEND AND TOWNSEND AND CREW, LLP  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO, CA 94111-3834

EXAMINER

AKINTOLA, OLABODE

ART UNIT

PAPER NUMBER

3691

MAIL DATE

DELIVERY MODE

11/09/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/025,092  
Filing Date: December 19, 2001  
Appellant(s): HOLM-BLAGG ET AL.

---

William J. Daley  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed January 5, 2009 appealing from the Office action mailed August 5, 2008.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

6,636,833	Flitcroft et al.	10-2003
6,327,573	Walker et al.	12-2001

5,826,243	Musmanno et al.	10-1998
-----------	-----------------	---------

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 and 35 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites “wherein the *credit product* is different from the second credit product”. It is not clear which of the credit products “*credit product*” refers to. Clarification is requested.

Examiner interprets “the *credit product*” to be the first credit product.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(c) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 and 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Flitcroft et al. (US 6636833) ("Flitcroft").

Re claim 1: Flitcroft teaches a method of accessing usage parameters associated with a financial transaction account, which comprises the steps of: establishing a first credit card account of a first credit product with a holder of the first account (Figs. 4 and 5, RNs {402 and 502}); establishing a second credit card account of a second credit product with a holder of the second account, wherein the credit product is different from the second credit product (Figs. 4 and 5, RNs {402 and 502}, col. 6, lines 32-49); issuing a presentation instrument associated with said first account (Fig. 5, RN {512}); establishing an initial set of product usage parameters for said first account (col. 16, lines 20-23); providing control of said product usage parameters to the holder of the first account (Figs. 4-6, col. 16, lines 15-23, col. 30, lines 18-19); submitting modified product usage parameters by the holder of the first account (col. 16, lines 26-30); establishing product usage criteria by a card processing and service provider or a card issuer (col. 16, lines 15-18); comparing the submitted product usage parameter modifications with the usage criteria (col. 16, lines 31-34); if the submitted product usage parameters comply with said usage criteria, implementing same in connection with the account (col. 16, lines 31-34); and rejecting the submitted product usage parameters if same do not comply with the usage criteria (col. 16, lines 31-34; col. 18, lines 56-57, col. 23, lines 28-29).

Re claim 2: Flitcroft teaches the step wherein said account comprises a first account, and wherein the method further comprises: forming a group with said first account and said second account

(col. 6, lines 45-52).

Re claim 3: Flitcroft teaches designating the first account as a key account; providing primary product usage parameters for said key account; designating the second account as a dependent account; providing dependent product usage parameters for said dependent account; and providing the holder of said key account with access to and control over the product usage parameters associated with said dependent account (Figs. 4-6, col. 16, lines 15-34).

Re claim 4: Flitcroft teaches creating group master data financial records associated with said group (col. 18, lines 64-67).

Re claim 7: Flitcroft teaches the step wherein said product usage parameters include ranges of time during which said presentation instrument can be utilized, geographic restrictions on the usage of said presentation instrument and restrictions on the types of goods and services which can be purchased with said presentation instrument (col. 25, lines 37-39).

Re claim 8: Flitcroft teaches establishing a credit line for said group with a group credit limit; establishing a dependent credit line for said dependent account with a dependent account credit limit; and said credit limits comprising product usage parameters (Figs. 4-6, col. 16, lines 15-34, col. 4, line 59 through col. 5, line 19).

Re claim 9: Flitcroft teaches arranging for the allocation of account payments among said key

and dependent accounts; and allocating account payments among said key and dependent accounts (col. 23, lines 45-46).

Re claim 10: Flitcroft teaches providing statements for said key and dependent financial accounts; and providing the key account holder with access to the information provided in conjunction with such statements (col. 10, lines 25-37, col. 24, lines 46-49).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft as applied to claim 3 above in view of Walker et al (US 6327573) ("Walker").

Re claim 11: Flitcroft does not explicitly teach reward points for purchases by members of a group. Walker teaches reward points for purchases by members of a group (abstract). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Flitcroft to include this feature as taught by Walker in order to reward customers for loyalty and to create incentives for customer patronage.

Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flitcroft as applied to claims 3 and 1 above in view of Musmanno et al (US 5826243) (“Musmanno”).

Re claim 35: Flitcroft does not explicitly teach wherein the holder of the first account is different from the holder of the second account. However, Flitcroft at col. 6, lines 45-53 teaches

“For example a *corporation* may provide many of its *employees* with *credit cards* but essentially each of these employees holds a master credit card even if there is only *one customer account*. Each of these master credit cards will have a unique master credit card number, which set of master credit card numbers will be linked to the account. Similarly, in *families*, various *members of the family* may hold a master credit card all of which are paid for out of the *one customer account*”. (Emphasis added).

Musmanno, in the same field of arts, teaches establishing a first account with a holder of the first account; establishing a second account with a holder of the second account, wherein the holder of the first account is different from the holder of the second account (col. 2, lines 22-39, col. 3, lines 22-39, col. 4, lines 31-33). Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to modify Flitcroft to include this feature as taught by



Musmanno for the obvious reason of establishing linked sub accounts for members of a household (family).

**(10) Response to Argument**

The Examiner summarizes the various points raised by the Appellant and addresses them individually.

**A. Rejection of claims 1-11 and 35 under 35 U.S.C. § 112, second paragraph.**

Regarding claims 1-11 and 35, the amendment filed on October 2, 2008 clarifying the credit product to be the first credit product has been entered. Therefore, this rejection is hereby withdrawn.

**B. Rejection of claims 1-4 and 7-10 under 35 U.S.C. § 102(e) as being anticipated by Flitcroft.**

1. Regarding independent claim 1, Appellant asserts that Flitcroft fails to anticipate the claim because Flitcroft (1) does not expressly or inherently disclose more than one account (see Appeal Brief, pages 8-10).

**In Response to (1):** Appellant's argument is not persuasive. As a preliminary matter, Appellant seems to suggest that the first and the second accounts as recited in claim 1 are somehow linked. However, the claim does not recite any functional relationship between these accounts except that these accounts are different. Given the broadest reasonable interpretation,

the claim limitations are interpreted simply as establishing different credit accounts with credit card providers. For example, the American Express® can establish a credit account for a corporation and/or family while MasterCard® can establish another credit account for the same corporation and/or family (col. 6, lines 32-53).

2. Regarding claim 2, Appellant argues that Flitcroft fails to teach forming a group with said first account and second account (see Appeal Brief, page 10).

**In Response to (2):** Appellant's argument is not persuasive. Examiner interprets the limited use accounts as individual accounts grouped under one master account (col. 6, lines 45-52).

3. Regarding claim 3, Appellant argues that Flitcroft fails to teach designating the first account as a key account; providing primary product usage parameters for said key account; designating the second account as a dependent account; providing dependent product usage parameters for said dependent account; and providing the holder of said key account with access to and control over the product usage parameters associated with said dependent account (see Appeal Brief, page 10).

**In Response to (3):** Appellant's argument is not persuasive. Examiner interprets the limited use accounts as dependent accounts and the master account as the key account (col. 6, lines 45-52).

#### **(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,  
/Olabode Akintola/  
Examiner, Art Unit 3691  
April 39, 2009

Conferees:  
/Hani M. Kazimi/  
Primary Examiner, Art Unit 3691

Vincent Millin/vm/

Appeals Conference Specialist